



OFFICE OF THE CLERK

Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

April 8, 2016

To:

Hon. Anthony G. Milisauskas
Kenosha County Circuit Court Judge
912 56th Street
Kenosha, WI 53140

Robert D. Zapf
District Attorney
912 56th Street
Kenosha, WI 53140-3747

Rebecca Matoska-Mentink
Kenosha County Clerk of Circuit Court
912 56th Street
Kenosha, WI 53140

Julian J. Miller 311897
Green Bay Corr. Inst.
P.O. Box 19033
Green Bay, WI 54307-9033

Sandra L. Tarver
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2014AP1506-CR State v. Miller L.C.#2009CF887

A petition for review was filed by defendant-appellant, Julian J. Miller, on April 8, 2016, from the court of appeals' dismissal order of March 2, 2016. The petition is untimely pursuant to §§ 808.10 and 809.62(1m), Stats., and First Wisconsin National Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979);

IT IS ORDERED that the petition for review is dismissed, without costs. The decision of the court of appeals that is subject to review in this court is the court of appeals' final decision disposing of the appeal or writ proceeding. In Interest of A.R., 85 Wis. 2d 444, 270 N.W.2d 581 (1978). In this matter, the court of appeals' final decision was its decision of January 21, 2016, which dismissed defendant-appellant's appeal. A petition for review must be physically filed with the clerk of this court within 30 days after the date of the court of appeals' final decision. Wis. Stat. § 808.10(1); First Wisconsin Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). The failure to file a petition within that time period requires the dismissal of

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the petition as untimely. Id. The 30-day deadline for filing a petition for review is tolled only if the losing party in the court of appeals files a timely motion for reconsideration in that court within 20 days after the date of the court of appeals' final decision. Wis. Stat. § 808.10(2) and § 809.24(1). No motion for reconsideration was filed. Consequently, the time period for filing a petition for review was not tolled under Wis. Stat. § 808.10(2), requiring the petition for review to have been filed within 30 days after January 21, 2016.

Diane M. Fremgen
Clerk of Supreme Court